

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of:	)	
	)	
Ronald L. Mahany et al.	)	
	)	CERTIFICATE OF ELECTRONIC FILING
Serial No. 10/736,068	)	
	)	I hereby certify that this correspondence is
Filed: December 15, 2003	)	being sent via electronic filing to the United
	)	States Patent and Trademark Office on this
For: HIERARCHICAL	)	date:
COMMUNICATION SYSTEM	)	
PROVIDING INTELLIGENT	)	<u>August 23, 2007</u>
DATA, PROGRAM AND	)	
PROCESSING MIGRATION	)	
	)	<u>/Philip Henry Sheridan/</u>
Examiner: Vu, Huy Duy	)	Philip Henry Sheridan
	)	Reg. No. 59,918
Group Art Unit: 2616	)	
	)	
Confirmation No. 4277	)	

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Attached with this electronic submission are the following:

- A completed PTO/SB/08A which has four (4) pages.
- A copy of each printed reference listed in the PTO/SB/08A form is attached. Applicants, however, have not submitted U.S. Patents or other references previously provided to or by the PTO in this application. Twenty-nine (29) references are attached.

**FEE DETERMINATION AND PAYMENT**

No fee is believed to be due because:

- The applicant(s) believe(s) that this statement and attachments are being filed before the first Office action on the merits has been mailed by the PTO. The basis of this belief is that no Office action on the merits appears to have been received by the undersigned to date.

The Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

## **REQUEST FOR CONSIDERATION**

This paper and enclosures are believed to be entitled to consideration under 37 C.F.R. § 1.97, based on the facts stated above.

The owner of record of the present application, Broadcom Corporation, is currently involved in a patent infringement action with Qualcomm, Inc., Civil Action No. 05-467, pending in the Central District of California.

The references being submitted have been either cited, produced or relied upon by Qualcomm thus far during the above-mentioned litigation. This electronic submission is in no way intended as an admission that the submitted references constitute prior art under any subsection of 35 U.S.C. §102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial the attached PTO/SB/08A and return a copy to the applicants to indicate consideration of the attached references.

Respectfully submitted,

Date: August 23, 2007

/Philip Henry Sheridan/  
Philip Henry Sheridan  
Reg. No. 59,918

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street, 34<sup>th</sup> Floor  
Chicago, Illinois 60661  
(T) 312 775 8000  
(F) 312 775 8100

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	
				Filing Date	
				First Named Inventor	
				Group Art Unit	
				Examiner Name	
				Attorney Docket Number	
Sheet	1	of	4		

U.S. PATENT DOCUMENTS					
Examiner Initial*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	A7	5,295,154	03/15/1994	Meier et al.	
	A8	5,394,436	02/28/1995	Meier et al.	
	A9	5,732,359	03/24/1998	Baranowsky	
	A10	5,574,973	11/12/1996	Borth	
	A11	5,550,895	08/27/1996	Burson	
	A12	5,325,419	06/28/1994	Connolly	
	A13	5,533,097	07/02/1996	Crane	
	A14	5,712,868	01/27/1998	Stern	
	A15	5,257,401	10/26/1993	Dahlin	
	A16	5,550,895	08/27/1996	Burson	
	A17	5,535,432	07/09/1996	Dent	
	A18	6,542,716	04/01/2003	Dent	
	A19	5,371,734	12/06/1994	Fischer	
	A20	5,371,734	12/06/1994	Fischer	
	A21	4,715,354	12/29/1987	Hacker	
	A22	5,796,727	08/18/1998	Harrison	
	A23	5,285,208	02/08/1994	Bertiger	
	A24	5,343,512	08/30/1994	Wang	
	A25	5,367,304	11/22/1994	Jan	
	A26	5,410,728	04/25/1995	Bertiger	
	A27	6,006,100	12/21/1999	Koenck	
	A28	5,452,471	09/19/1995	Leopold	
	A29	5,422,934	06/06/1995	Massa	
	A30	5,392,460	02/21/1995	Matilla	
	A31	5,117,449	05/26/1992	Metroka	
	A32	5,251,117	11/09/1993	Olson	
	A33	5,414,432	05/09/1995	Penny, Jr.	
	A34	5,008,925	04/16/1991	Piereh	
	A35	5,854,954	12/29/1998	Sainton	
	A36	5,093,926	03/03/1992	Sasuta	
	A37	5,210,785	05/11/1993	Sato	
	A38	5,712,868	01/27/1998	Stern	

EXAMINER SIGNATURE		DATE CONSIDERED	
-----------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1800-786-9199) and select option 2.

Rev. Sept. 03

J:\OPEN\phs\Broadcom (1772)\Qualcomm\Litigation Statement & IDS Project\Santa Ana 05-467 Litigation Statement & IDS\5,657,317 and 6,389,010 - VoIP\Supp3 IDS - Voip 5,657,317\No Fee\14235US02\14235US02 Supp 3 SB08A.doc

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/736,068
				Filing Date	December 15, 2003
				First Named Inventor	Mahany et al.
				Group Art Unit	2616
				Examiner Name	Vu, Huy Duy
				Attorney Docket Number	14235US02
Sheet	2	Of	4		

U.S. PATENT DOCUMENTS					
Examiner Initial*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	A39	5,301,359	04/05/1994	Van Den Heuvel	
	A40	5,343,512	08/30/1994	Wang	
	A41	5,303,286	04/12/1994	Wiedeman	
	A42	4,989,230	01/29/1991	Gillig	
	A43	5,227,802	07/13/1993	Pullman	
	A44	5,261,117	11/09/1993	Olson	
	A45	5,331,634	07/19/1994	Fischer	
	A46	5,668,837	09/16/1997	Dent	
	A47	5,854,985	12/29/1998	Sainton	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	B1	WO 94/11967	05/26/1994	Weeks		
	B2	WO 96/05592	02/22/1996	Qualcomm		
	B3	WO 92/02084	02/06/1992	Koenck		

OTHER ART -- NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
	C15	BARBARA et al., "Replicated Data Management In Mobile Environments: Anything New Under The Sun?", 10/22/1993
	C16	BARTAL et al., "The Distributed k-Server Problem -A Competitive Distributed Translator for k-Server Algorithms, 1992
	C17	BLAZE, "Caching In Large-Scale Distributed File Systems", PhD thesis, Princeton University, 01/1993
	C18	DOUGLAS, "Transparent Process Migration: Design Alternatives And The Sprite Implementation", Software-Practice And Experience, Vol.; 21(8), 757-785, 08/1991
	C19	HUANG et al., "Object Allocation In Distributed Databases And Mobile Computers", 02/1994
	C20	HUANG, "Data Replication For Mobile Computers", ACM-SIGMOD, 05/1994
	C21	IMIELINSKI et al., "Mobile Wireless Computing: Solutions And Challenges In Data Management", Dept. of Computer Science, Rutgers University, 1992

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/736,068
				Filing Date	December 15, 2003
				First Named Inventor	Mahany et al.
				Group Art Unit	2616
				Examiner Name	Vu, Huy Duy
				Attorney Docket Number	14235US02
Sheet	3	Of	4		

OTHER ART -- NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
	C22	Defendant And Counterclaim Plaintiff Qualcomm Incorporated's Final Invalidity Contentions For U.S. Patent No. 5,657,317
	C23	"Advanced Mobile Phone System", Bell System Technical Journal, Vol. 58, No. 1, 01/1979
	C24	BIBA, "A Hybrid Wireless MAC Protocol Supporting Asynchronous And Synchronous MSDU Delivery Services", IEEE 802.11 Wireless Access Methods and Physical Layer Specifications, 09/1991
	C25	LAU, et al., "Hand-Off Analysis For An Integrated Satellite And Terrestrial Mobile System Over A Fading Channel", IEEE 1992
	C26	FISHER, "Dual Mode Mobil Unit For Next Generation Digital Narrow Channel Cellular Telephone System", 38th IEEE Vehicular Technology Conference Proceedings, 1998, pp. 543-547
	C27	EIA/TIA Interim Standard: Recommended Minimum Performance Standards for 800 MHz Dual Mode Mobile Stations IS-55, 12/1991
	C28	Digital European Cordless Telecommunications (DECT) Standard, first published in 1991, standardized in 10/1992
	C29	FIFER et al., "The Low Cost Packet Radio", IEEE Proceedings, Vol. 75, No. 1, pp. 33-43, 01-1987
	C30	YU, "Overview of EIA/TIA IS-41", IEEE 1992
	C31	Defendant Qualcomm Incorporated's Supplemental Responses To Plaintiff Broadcom Corporation's First Set Of Interrogatories (Nos. 1-19)
	C32	Defendant Qualcomm Incorporated's Second Supplemental Responses To Plaintiff Broadcom Corporation's First Set Of Interrogatories (Nos. 1-19), 03/01/2006
	C33	Defendant Qualcomm Incorporated's Third Supplemental Responses To Plaintiff Broadcom Corporation's First Set Of Interrogatories (Nos. 5, 10)
	C34	Defendant Qualcomm Incorporated's Fifth Supplemental Responses To Plaintiff Broadcom Corporation's First Set Of Interrogatories (Nos. 2-4, 60 And First Supplemental Response To Interrogatory No. 18
	C35	BARANOWSKY, "MSAT and Cellular Hybrid Networking," Proceedings of the Third International Mobile Satellite Conference, June 16-18, 1993, pp. 149-54.
	C36	CONNELLY, "The Westinghouse Series 1000 Mobile Phone: Technology and Applications," Proceedings of the Third International Mobile Satellite Conference, June 16-18, 1993, pp. 375-79.
	C37	Proposed EIA/TIA Interim Standard Wideband Spread Spectrum Digital Cellular System Dual-Mode Mobile Station - Base Station Compatibility Standard ("Bluebook"), April 21, 1992.
EXAMINER		DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/736,068
				Filing Date	December 15, 2003
				First Named Inventor	Mahany et al.
				Group Art Unit	2616
				Examiner Name	Vu, Huy Duy
				Attorney Docket Number	14235US02
Sheet	4	Of	4		

OTHER ART -- NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
	C38	TIA/EIA Interim Standard Mobile Station-Base Station Compatibility Standard for Dual-Mode Wideband Spread Spectrum Cellular Systems ("IS-95"), July 1993.
	C39	European Telecommunication Standard, ETS 300 175-1, "Radio Equipment and Systems (RES); Digital European Cordless Telecommunications (DECT) Common Interface, Part 1: Overview," October 1992.
	C40	TORRE, "Speakeasy - A New Direction in Tactical Communications for the 21st Century," IEEE 1992.
	C41	FYE, "Expert Report of Donald M. Fye Regarding U.S. Patent No. 5,657,317", with exhibits 1-13, 12/22/2006

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.